

REMARKS

I. Introduction

Claims 19 to 26, and 28 to 41 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 19, 20, 28 to 30, 32, 33, 35, 36, and 39 Under 35 U.S.C. § 102(b)

Claims 19, 20, 28 to 30, 32, 33, 35, 36, and 39 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,409,169 (“Saikalis et al.”). It is respectfully submitted that Saikalis et al. does not anticipate the presently pending claims for at least the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 19 relates to a dosing device for a liquid fuel, including, *inter alia*, the features of at least one metering device; and a nozzle body adjoining the metering conduit, the nozzle body including at least one spray discharge opening that opens into a metering chamber, the nozzle body including a downstream support element having a swirl insert arranged on a spray-discharge side, the at least one spray discharge opening arranged in the swirl insert, in which *the swirl insert includes at least one seat element having the at least one spray discharge opening and a swirl element arranged upstream from the seat element*.

Saikalis et al. does not identically disclose, or even suggest, all of the claimed features of claim 19. For example, Saikalis et al. does not indicate the feature of at least one seat element having at least one spray discharge opening. Instead, Saikalis et al. indicates a fuel swirl plate A having a valve seat, and a separate, downstream air swirl plate B having a port, or spray discharge opening. (Saikalis et al., col. 11, lines 36 to 39; col. 11, line 59 to col. 12, line 2; and Figures 8

to 11). Thus, Saikalis et al. merely indicates one swirl plate with a valve seat, and another, separate swirl plate with a spray discharge opening, but Saikalis et al. does not indicate a single element having both a valve seat and a spray discharge opening, as provided for in the context of claim 19. Therefore, Saikalis et al. does not identically disclose, or even suggest, the feature of *at least one seat element having the at least one spray discharge opening*.

Further, Saikalis et al. does not indicate the feature of a swirl element arranged upstream from a seat element. As more fully set forth above, Saikalis et al. indicates a valve seat formed in fuel swirl plate A. (Saikalis et al., col. 10, line 55; col. 11, line 39; and Figures 8, 9, 10A, and 11). Thus, since the valve seat and fuel swirl plate A are a single element, the swirl element cannot be upstream of the seat element; that is, the plate A cannot be upstream of itself. In addition, the air swirl plate B of Saikalis et al. also cannot be a swirl element arranged upstream from the valve seat in fuel swirl plate A because plate B is arranged downstream of plate A. Therefore, Saikalis et al. does not identically disclose, or even suggest, the feature of *a swirl element arranged upstream from the seat element*.

In addition, the Response to Arguments section of the Final Office Action states that “[s]ince the Applicants has [sic] not recited any further limitations of their seat element, the element B of Saikalis et al. is considered to be a seat element of the swirl insert because swirl element A sits atop element B.” (Final Office Action, p. 3). However, it is respectfully submitted that one of ordinary skill in the art would understand a seat element to include a valve seat. Thus, one of ordinary skill in the art would understand the seat element as recited in the presently pending claims to include a valve seat. As more fully set forth above, swirl plate A, and not element B, of Saikalis et al. includes a valve seat. Thus, since element B does not include a valve seat, element B cannot be considered to be a seat element. Therefore, as more fully set forth above, Saikalis et al. does not identically disclose, or even suggest, the features of *at least one seat element having the at least one spray discharge opening and a swirl element arranged upstream from the seat element*.

Accordingly, Saikalis et al. does not identically disclose, or even suggest, all of the features included in claim 19. As such, it is respectfully submitted that Saikalis et al. does not anticipate claim 19.

As for claims 20, 28 to 30, 32, 33, 35, 36, and 39, which ultimately depend from and therefore include all of the features included in claim 19, it is

respectfully submitted that Saikalis et al. does not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 21 to 26, 31, 34, 37, 38, 40, and 41 Under 35 U.S.C. § 103(a)

Claims 21 to 26, 31, 34, 37, 38, 40, and 41 were rejected under 35 U.S.C. § 103(a) as unpatentable over Saikalis et al. It is respectfully submitted that Saikalis et al. does not render unpatentable the presently pending claims for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). As clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007).

Claims 21 to 26, 31, 34, 37, 38, 40, and 41 ultimately depend from claim 19. As more fully set forth above, Saikalis et al. does not disclose, or even suggest, the features that *a swirl insert includes at least one seat element having at least one spray discharge opening and a swirl element arranged upstream from a seat element*.

Accordingly, it is respectfully submitted that Saikalis et al. does not disclose, or even suggest, all of the features included in claim 19, from which claims 21 to 26, 31, 34, 37, 38, 40, and 41 ultimately depend. As such, it is respectfully submitted that Saikalis et al. does not render unpatentable claims 21 to 26, 31, 34, 37, 38, 40, and 41, which ultimately depend from claim 19.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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